

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH) C.A. No. 1:05-CV-11148-PBS
 BENEFITS FUND, PIRELLI ARMSTRONG)
 RETIREE MEDICAL BENEFITS TRUST;)
 TEAMSTERS HEALTH & WELFARE FUND)
 OF PHILADELPHIA AND VICINITY;)
 PHILADELPHIA FEDERATION OF)
 TEACHERS HEALTH AND WELFARE)
 FUND; DISTRICT COUNCIL 37, AFSCME -)
 HEALTH & SECURITY PLAN; JUNE)
 SWAN; MAUREEN COWIE and BERNARD)
 GORTER,)
)
 Plaintiffs,)
)
 v.)
)
 FIRST DATABANK, INC., a Missouri)
 corporation; and McKESSON)
 CORPORATION, a Delaware corporation,)
)
 Defendants.)

JOINT MOTION TO MODIFY THE CASE SCHEDULE

Counsel for Plaintiffs and Defendant McKesson Corporation (collectively “the parties”) in the above-captioned action hereby submit this joint motion to amend the Scheduling Order with respect to the parties’ expert discovery and summary judgment motions consistent with the Court’s May 7, 2007 order granting a limited extension of fact discovery.

The Court’s Scheduling Order, dated December 11, 2006, set the following schedule:

Close of Fact Discovery:	June 1, 2007
Plaintiffs’ expert designation:	July 2, 2007
Defendant’s expert designation:	August 1, 2007

Expert Discovery Deadline:	Aug. 31, 2007
Summary Judgment Motion Filing Deadline:	Oct. 3, 2007
Opposition by:	Nov. 2, 2007
Any replies due:	Nov. 16, 2007
Any surreplies due:	Nov. 31, 2007
Hearing on Summary Judgment	Jan. 10, 2008, 2:00 p.m.

On May 7, the Court modified its scheduling order to allow the parties until July 31, 2007 to schedule previously noted depositions. As the schedule currently stands, Plaintiffs' experts will not have the benefit of the testimony of any witness whose deposition takes place after July 2. Additionally, the previous order did not set forth a deadline for Plaintiffs' expert reply report.

The parties respectfully request that the Court modify its December 11, 2006 order and enter the following proposed schedule or such schedule as is convenient to the Court:

Deadlines:	Formerly:	Proposed:
Plaintiffs' expert designation:	July 2, 2007	August 31, 2007
Defendant's expert designation:	August 1, 2007	September 28, 2007
Plaintiffs' expert reply report	* * *	October 19, 2007
Expert Discovery Deadline:	Aug. 31, 2007	November 20, 2007 ¹
Summary Judgment Motion Filing Deadline:	Oct. 3, 2007	December 20, 2007
Opposition by:	Nov. 2, 2007	January 17, 2008

¹ Plaintiffs' experts would be deposed first, then Defendant's; the depositions would take place between October 23 and November 20, 2007.

Any replies due:	Nov. 16, 2007	February 7, 2008
Any surreplies due:	Nov. 31, 2007	February 21, 2008
Hearing on Summary Judgment	Jan. 10, 2008, 2:00 p.m.	Early March 2008

Respectfully submitted,

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST,
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY,
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND, DISTRICT COUNCIL 37,
AFSCME - HEALTH & SECURITY PLAN;
JUNE SWAN; MAUREEN COWIE and
BERNARD GORTER

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CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 6th day of June, 2007.

/s/ Steve W. Berman

Steve W. Berman

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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HEALTH & SECURITY PLAN; JUNE)
SWAN; MAUREEN COWIE and BERNARD)
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Plaintiffs,)
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corporation; and McKESSON)
CORPORATION, a Delaware corporation,)
Defendants.)

[PROPOSED] SCHEDULING ORDER

IT IS HEREBY ORDERED as follows:

The Court's December 11, 2006 Scheduling order is modified as follows.

1. Plaintiffs' expert designations and reports are due August 31, 2007.
2. Defendant's expert designations and reports are due September 28, 2007.
3. Plaintiffs' experts' Reply to Defendant's Expert Reports are due October 19.
4. Depositions of first Plaintiffs' experts, then Defendant's experts will occur October 23-
November 20, 2007.
5. Summary judgment motions are to be filed by December 20, 2007.

6. Oppositions are to be filed by January 17, 2008.
7. Replies in support of summary judgment are to be filed by February 7, 2008.
8. Surreplies on summary judgment are to be filed by February 21, 2008.
9. Hearing on Summary Judgment will be held on March ___, 2008 at _____.

DONE this _____ day of _____, 2007.

HONORABLE PATTI B. SARIS
United States District Court

CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 6th day of June, 2007.

/s/ Steve W. Berman
Steve W. Berman